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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,440	07/10/2001	Dennis R. Ulbrich	22578.3	5506

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EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3677

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,440

Applicant(s)

ULBRICH ET AL.

Examiner

Carlos Lugo

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,9 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This Office Action is in response to applicant's amendment and request for continued examination (RCE) filed on April 7, 2003. Claims 10,11,15 and 16 were cancelled.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means to lock the hasp bar having a code-operated combination locking mechanism must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 8,17 and 18 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Prior Art in view of US Pat No 3,780,546 to Longenecker or in view of US Pat No 5,052,203 to Van Cuyk.

The Prior Art discloses a locking apparatus for a gooseneck trailer hitch. However, the Prior Art fails to disclose the use of a hasp bar insertable into a slot of the retainer bracket and means to lock the hasp bar in the slot.

Longenecker teaches that is known in the art to have a hasp bar (18) inserted into a slot on a retainer bracket (5) and means (15) to lock the hasp bar to the retainer bracket.

Van Cuyk also teaches that is known in the art to have a hasp bar (50) inserted into a slot on a retainer bracket (30 and 40) and means (48) to lock the hasp bar to the retainer bracket.

It would be obvious to one having ordinary skill in the art at the time the invention was made to use a padlock, as taught by either Longenecker or Van Cuyk, into a gooseneck trailer hitch as described by the Prior Art, in order to lock the gooseneck trailer hitch.

5. **Claims 9 and 19 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Prior Art in view of US Pat No 3,780,546 to Longenecker or in view of US Pat No 5,052,203 to Van Cuyk and further in view of US Pat No 4,699,395 to Hale.

The Prior Art, as modified by either Longenecker or Van Cuyk, fails to disclose that the hasp bar engages a latch handle of the locking apparatus.

Hale teaches that is known in the art to have a hasp bar engaging a latch arm (32) when the hasp bar is inserted into a slot on a retainer bracket (30) and means to lock the hasp bar to the retainer bracket (Figure 1).

It would be obvious to one having ordinary skill in the art at the time the invention was made to have the hasp bar engaged to a latch arm when the hasp bar is inserted into a slot on a retainer bracket and then locked, as taught by Hale, into a gooseneck trailer hitch as described by the Prior Art, as modified by either Longenecker or Van Cuyk, in order to lock the gooseneck trailer hitch.

6. **Claims 9 and 19 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Prior Art in view of US Pat No 3,780,546 to Longenecker or in view of US Pat No 5,052,203 to Van Cuyk and further in view of US Pat No 2,204,882 to Berluti.

The Prior Art, as modified by either Longenecker or Van Cuyk, fails to disclose that the hasp bar engages a latch handle of the locking apparatus.

Berluti teaches that is known in the art to have a hasp bar engaging a latch arm (23) when the hasp bar is inserted into a slot on a retainer bracket (15) and means to lock the hasp bar to the retainer bracket (Figure 1).

It would be obvious to one having ordinary skill in the art at the time the invention was made to have the hasp bar engaged to a latch arm when the hasp bar is inserted into a slot on a retainer bracket and then locked, as taught by Berluti, into a gooseneck trailer hitch as described by the Prior Art, as modified by either Longenecker or Van Cuyk, in order to lock the gooseneck trailer hitch.


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited further show the state of the art with respect to locking apparatus for gooseneck trailer hitches.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo. The examiner phone number is (703)-305-9747. The fax number for correspondence before a final action is (703)-872-9326 and the fax number for correspondence after final action is (703)-872-9327. The email direction of the examiner is carlos.lugo@uspto.gov. The examiner can normally be reached on Monday to Friday from 9:30am to 6:30pm (EST). If the examiner is not available, please leave a message, including the application number and the examiner will answer the message as soon as possible.

May 16, 2003


ROBERT J. SANDY
PRIMARY EXAMINER